

Message Text

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44

ACTION EUR-25

INFO OCT-01 ISO-00 EURE-00 H-03 L-03 SCA-01 IO-14 SEC-03

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P 131558Z JUN 74

FM AMEMBASSY BERN

TO SECSTATE WASHDC PRIORITY 9158

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E.O. 11652: N/A

TAGS: CFED, SZ

SUBJECT: STOLEN SECURITIES; ZELMANOWITZ ACTION AGAINST SWISS
BANKS

REF: STATE 123421

1. EMBOFFS DISCUSSED WITH DR. CURT MARKEES OF THE FDJP PROPOSED VISIT TO SWITZERLAND BY HOWARD FELDMAN AND STUART STATTLER. DR. MARKEES STATED THAT HE COULD NOT, RPT NOT, APPROVE VISIT WITHOUT KNOWING EXACT PURPOSE OF VISIT. DR. MARKEES POINTED OUT THAT IF VISIT TO GENEVA RELATES TO THE "INVESTIGATIVE FUNCTIONS OF THE SENATE SUB-COMMITTEE" (E.G. 1DO THEY, MESSRS. FELDMAN AND STATTLER, INTEND TO OBTAIN INFORMATION IN FURTHERANCE OF INVESTIGATIVE ACTIVITIES OF THE SUB-COMMITTEE?), THEN THIS WOULD BE CONSIDERED "OFFICIAL ACTS" PERFORMED IN SWITZERLAND BY FOREIGN AGENTS OF A FOREIGN STATE AND WOULD REQUIRE PRIOR APPROVAL OF THE MINISTER OF JUSTICE AND POLICE, DR. KURT FURGLER. DR. MARKEES SAID DR. FURGLER HAS RESERVED FOR HIS PERSONAL DECISION ALL QUESTIONS REGARDING THIS "SENSITIVE SUBJECT". DR. MARKEES ADDED THAT, SHOULD THIS APPROVAL BE REQUIRED, DR. FURGLER COULD NOT, RPT NOT, BE EXPECTED TO MAKE DECISION BEFORE JUNE 27.

2. ACTION REQUESTED: PLEASE INFORM EMBASSY OF EXACT
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PURPOSE OF PROPOSED VISIT INCLUDING SCOPE OF INQUIRY

CONTEMPLATED AND WHAT PRECISE TOPICS WOULD BE DISCUSSED WITH EACH PERSON MENTIONED IN PARA 2 REFTEL, AND WHAT SPECIFIC USE WOULD BE MADE OF INFORMATION OBTAINED DURING VISIT. UPON RECEIPT OF INFO, DR. MARKEES WILL DETERMINE WHETHER ACTIVITIES FALL WITHIN PURVIEW OF ARTICLE 271 OF SWISS PENAL CODE. IF PRIOR APPROVAL IS REQUIRED AT MINISTER LEVEL, EMBASSY WILL SEEK TO OBTAIN IT AS SOON AS POSSIBLE IF DEPT CONCURS. EMBASSY ALSO WISHES TO KNOW IDENTITY OF MR. DE CHARRIERE, "EXPERT OF COURT". HE IS UNKNOWN TO EMBASSY AND DR. MARKEES.

3. EMBASSY REMINDS DEPT THAT THE JUDICIAL ASSISTANCE TREATY IS EXPECTED TO BE PRESENTED TO SWISS PARLIAMENT FOR RATIFICATION THIS YEAR. EMBASSY STRONGLY OPPOSES ANY ACTIVITIES IN SWITZERLAND WHICH MIGHT JEOPARDIZE PROSPECTS FOR RATIFICATION OF TREATY.
DAVIS

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